REMARKS

Claim Changes

Claims 1, 10, 38, and 39 have been amended to more clearly recite the claimed invention. Claims 1 and 10 are amended to recite "...wherein the measurement host is remote from both the first remote network device and the second remote network device...." These changes are based at least on FIG. 12 and the associated description on pages 9 and 10, paragraph 0034 of the specification, as filed.

Claims 18 and 40 are amended to incorporate the subject matter of claim 7.

Claims 9, 10, 15, 21, 36, and 39 have been amended to correct typographical errors.

No new matter has been added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Acknowledgement of Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowability of claims 34-37 and 41.

Applicant also thanks the Examiner for indicating the allowability of claims 7-9, 12, 15-17, 30, and 33 once amended to be rewritten in independent form to include the limitations of the base claim and any intervening claims. Applicant has amending claim 18, to incorporate the subject matter of claim 7.

Objection to the Claims

In response to the objection to claims 9, 10, 15, 36, and 39 for informalities, Applicant has reworded claims 9, 10, 15, 36, and 39 for clarity, as requested.

Rejection of claims 21-23 under 35 U.S.C. § 112, second paragraph

Claim 21 was amended to remedy the objection under 35 U.S.C. §112, second paragraph. Applicant submits that claim 21, as amended, overcomes this rejection. Moreover, dependent claims 22 and 23 also overcome the rejection, because claim 21, on which claims 22 and 23 depend, overcomes the rejection. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Rejection of claims 1-6, 10, 11, 13, 14, 18-29, 31, 32, and 38-40 under 35 U.S.C. § 102 (a) as being anticipated by "IPMP draft-mcgregor-ipmp-OO.txt" (McGregor)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-6, 10, 11, 13, 14, 18-29, 31, 32, and 38-40 under 35 U.S.C. § 102(a) as being anticipated by McGregor.

Applicant respectfully submits that McGregor does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1 and 38. For example, independent claims 1 and 38 recite (emphasis added) "*transmitting from the measurement host to the first remote network device an Internet Protocol Measurement Protocol (IPMP) packet requesting a measurement test of the link between the first remote network device and the second remote network device*" which is not anticipated either expressly or inherently, in McGregor.

McGregor is directed towards providing a measurement protocol for processing the measurement packet, with the same level of computation as IP packet forwarding. (McGregor page 2, introduction)

The Office Action on page 3 states "[r]egarding claim 1 and 38, McGregor teaches a method ... transmitting from the measurement host to the first remote network device an Internet Protocol Measurement Protocol (IPMP) packet requesting a measurement test of the link between the first remote network device and the second remote network device (3.1 in page 10)." Applicant respectfully disagrees.

The cited art does not appear to contain "an IPMP packet that request a measurement test of a link between a first remote network device and a second remote network device." Applicant

respectfully requests the examiner to either show the exact citation teaching the Applicant's claimed feature or withdraw the rejection.

Moreover, McGregor on page 10, section 3.1 merely describes that a measurement host constructs an IPMP requests and then sends the request in the network. On receiving the response, the checksums of the request and replies are matched. If both the checksums match, the reply is further checked for other parameters. However, McGregor does not suggest or describe that the measurement host sends an IPMP request to a first remote device requesting a measurement test of a link to a second remote network device. Therefore, McGregor fails to disclose "*transmitting from the measurement host to the first remote network device an Internet Protocol Measurement Protocol (IPMP) packet requesting a measurement test of the link between the first remote network device and the second remote network device*" as recited by independent claims 1 and 38.

Further, Applicant respectfully submits that, because McGregor fails to disclose an Internet Protocol Measurement Protocol (IPMP) packet requesting a measurement test of the link between the first remote network device and the second remote network device, McGregor cannot disclose "receiving by the first remote network device said IPMP measurement test request packet" as recited by independent claims 1 and 38.

Applicant has amended claims 10 and 39 to incorporate the subject matter from its preamble. Claim 10 , as amended, recites (emphasis added) "[processor to: receive] receiving the IPMP redirected echo reply packet resulting from an IPMP redirected echo request packet sent by a first remote network device to the second remote network device in response to *an IPMP measurement test request packet previously received by the first remote network device and sent from a measurement host, wherein the measurement host is remote from both the first remote network device and the second remote network device.*" As explained above, McGregor fails to disclose "*an IPMP measurement test request packet previously received by the first remote network device and sent from a measurement host, wherein the measurement host is remote from both the first remote network device and the second remote network device.*"

Furthermore, claims 18 and 40 were amended to incorporate the subject matter of claim 7. Claim 7 is indicated as allowable by the Office Action on page 8, item 13. Therefore, claims 18 and 40, as amended, are allowable. Moreover, dependent claims 19-29, 31, and 32 depend

from and include all limitations of claims 18. Thus, Applicant respectfully submits that claims 19-29, 31, and 32 are also allowable.

In view of the foregoing, Applicant therefore submits that claims 1 and 10 are not anticipated by McGregor, and therefore the rejection of claims 1 and 10 under 35 USC 102(a) should be withdrawn. Applicant requests that claims 1 and 10 may now be passed to allowance.

Dependent claims 2-6, 10, 11, 13, and 14 depend from, and include all the limitations of independent claims 1 or 10. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-6, 11, 13, and 14 and requests the withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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